



To: Boating and Waterways Commissioners

From: Department of Parks and Recreation – Legislative Unit

Subject: LEGISLATIVE REPORT – November 15, 2013

This report was prepared on October 28, 2013.

ASSEMBLY BILLS

AB 8 (Perea) Alternative fuel and vehicle technologies: funding programs. Chapter 401, Statutes of 2013

This bill extends existing vessel registration fees, enacted by AB 118 (Chapter 750, Statutes of 2007), from 2016 to 2024.

This summary only reflects those issues impacting Boating and Waterways.

Sponsor: Author

Status: Signed by the Governor

AB 253 (Levine) Floating home marinas: conversion: subdivision map requirements Chapter 432, Statutes of 2013

This bill requires a subdivider, at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a floating home marina to another use, to file a report on the impact of the conversion upon the displaced residents of the floating home marina to be converted, addressing the availability of adequate replacement space in floating home marinas. The bill exempts from these requirements the conversion of a rental floating home marina to resident ownership, and would instead require a subdivider for that conversion to avoid the economic displacement of nonpurchasing residents, as specified, and file a report on the impact of the conversion upon the displaced residents of the floating home marina to be converted.

Sponsor: Sausalito Floating Homes Association

Status: Signed by the Governor

AB 425 (Atkins) Pesticides: copper-based antifouling paint: leach rate determination: mitigation measure recommendations. Chapter 587, Statutes of 2013

This bill requires the Department of Pesticide Regulation, no later than February 1, 2014, to determine a leach rate for copper-based antifouling paint used on recreational vessels and make recommendations for appropriate mitigation measures to address the protection of aquatic environments from the effects of exposure to that paint.

Sponsor: Author

Status: Signed by the Governor

AB 727 (Stone) Public trust lands: dredging: notice and leases.

Chapter 104, Statutes of 2013

This bill requires a local trustee to notify the State Lands Commission, at least 120 days in advance, of a dredging project in lieu of submitting a lease application and filing fee to the Commission for said purpose. This bill includes requirements for the content of Commission notifications and stipulates under which circumstances a lease application would still apply. This bill does not eliminate other federal, state and local requirements for dredging projects imposed by the Coastal Commission, the U.S. Army Corps of Engineers, and Regional Water Quality Control Boards.

Sponsor: Author

Status: Signed by the Governor

AB 763 (Buchanan) Aquatic invasive plants: control and eradication.

Chapter 330, Statutes of 2013

This bill: 1) designates the Division of Boating and Waterways (DBW) as the lead agency for identifying, detecting, controlling, and administering programs to manage invasive aquatic plants in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh; 2) expands DBW's authority to, in collaboration with the Department of Fish and Wildlife and other agencies, identify additional invasive aquatic plants for management without obtaining specific authority from the Legislature; 3) following completion of the Department of Fish and Wildlife's risk assessment, authorizes DBW, in consultation with appropriate state, federal and local agencies, and concurrence by the Department of Fish and Wildlife, to implement control and, when feasible, take measures to eradicate invasive aquatic plants; 4) requires all control measures to be in compliance with all applicable laws and regulations and conducted in an environmentally sound manner; 5) requires DBW to regularly consult with other specified federal and state agencies to determine which species of invasive aquatic plants should be given highest priority for management, determine the best control methods and, when feasible, eradication measures; 5) requires the Department of Fish and Wildlife, in consultation with other specified entities, to conduct a risk assessment of the plant identified by DBW, to determine whether that plant is an invasive aquatic plant and identify whether the plant poses a threat to the environment, economy or human health, as defined; and 6) defines invasive aquatic plants.

Sponsor: Author

Status: Signed by the Governor

**AB 865: Yacht and Ship Brokers Act: licensing.
Chapter 425, Statutes of 2013**

This bill requires DBW to annually publish a directory of licensed brokers and salespersons on its internet website. Additionally, the Division is authorized to issue a periodical bulletin regarding issues pertaining to the administration of this article. This bill requires the Division to adopt rules and regulations including establishing a fee structure to be collected from brokers and salespersons sufficient to cover the costs associated with: exams, licensing, renewals, criminal records investigations and other services provided by the Division to administer this program. Until a new fee structure is established, the existing fee structure will be utilized.

Sponsor: Author

Status: Signed by the Governor

**AB 979 (Weber) Peace officers: Maritime Peace Officer Standards Training Act of 2013.
Chapter 619, Statutes of 2013**

This bill requires city, county, city and county or district peace officers to complete a course in basic maritime operations for law enforcement officers if: 1) the local jurisdiction receives funding from the federal Department of Homeland Security; 2) the officer is assigned to a jurisdiction that includes navigable waters; and 3) the officer serves as a crew member on a waterborne law enforcement vessel. Additionally, this bill delineates the required course content for basic maritime operations.

Sponsor: Port of Los Angeles

Status: Signed by the Governor

SENATE BILLS

**SB 122 (Lieu) Vessels: abandonment: abatement.
Chapter 204, Statutes of 2013**

This bill established the pilot Vessel Turn-in Program as a permanent program. This program provides grant funding to local agencies for costs associated with abatement, removal, storage, and disposal of vessels voluntarily surrendered by owners, if that vessel is in danger of being abandoned. The Abandoned Watercraft Abatement Fund is supported by fines levied on individuals for abandoning vessels. Additionally, this bill increased the minimum fine from \$500 to \$1,000. This successful program is an effort to address the costly problem of abandoned vessels which cause environmental degradation and/or navigational hazards.

Sponsor: Author

Status: Signed by the Governor

**SB 427 (Monning) Vessels: equipment requirements: personal flotation devices.
Chapter 256, Statutes of 2013**

This bill modifies the definition of “vessel” to ensure boating safety laws and regulations are applicable to all types of water recreation equipment. Additionally, this bill amended life jacket requirements for individuals on a vessel. Instead of various types of life jackets, language in this bill conforms to Coast Guard-approved flotation devices used in accordance with manufacturers approved labels and requirements. These modifications were necessary to ensure consistency with federal Coast Guard funding requirements of the Recreational Boating Safety Fund. The Division receives \$7 to \$9 million from the Safety Fund annually.

Sponsor: Author

Status: Signed by the Governor

**SB 457 (Monning) Vessels: collisions and accidents.
Chapter 165, Statutes of 2013**

This bill amends boating accident reporting requirements for law enforcement, in an effort to improve the quality and accuracy of data collection provided to DBW. Failure to comply with reporting requirements can result in ineligibility for DBW grant funds for up to 5-years. Additionally, this bill requires DBW to notify agencies out of compliance prior to restricting their eligibility for grant funds.

Sponsor: Author

Status: Signed by the Governor